

Exhibit A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

TERRILL SWIFT,)
Plaintiff,)
v.) No. 12 L 012995
CITY OF CHICAGO, et al.,)
Defendants.)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL SAUNDERS,)No. 12 C 9158
Plaintiff,)
v.)
CITY OF CHICAGO, et al.,)
Defendants.)

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VINCENT THAMES,)No. 12 C 9170
Plaintiff,)

v.)
CITY OF CHICAGO, et al.,)
-----)-----

HAROLD RICHARDSON,)No. 12 C 9184
Plaintiff,)
v.)
CITY OF CHICAGO, et al.,)
Defendants.)

PART I of the video discovery
deposition of FABIO VALENTINI, taken in the
above-entitled cause, before TRACY JONES, a
notary public of Cook County, Illinois, at
9:15 o'clock a.m. on December 8, 2014, at
375 East Chicago Avenue, 8th Floor, Chicago,
Illinois, pursuant to notice.

Reported by: Tracy Jones, CSR, RPR, CLR
License No.: 084-004553

1 MR. KIVETZ: Join.

2 BY MR. NEUFELD:

3 Q. I'm just trying to understand your --
4 your best recollection on whether or not there
5 were any memos generated.

6 MS. ROSEN: You asked him if he read any, not
7 if there were any generated. So objection:
8 Form.

9 MR. KIVETZ: Join.

10 BY MR. NEUFELD:

11 Q. Well, fine. Then the first question is
12 did you read any memos at all on this case from
13 December 2010 through January 1st, 2014?

14 MR. NOWINSKI: Objection: Form.

15 THE WITNESS: I recall seeing, I don't know
16 what it was entitled. I don't think it was
17 entitled a memo, but it was something that had
18 been written by Mark Ertler that --

19 MR. NOWINSKI: I'm going to -- I'm going to
20 instruct you not to discuss anything that was
21 encompassed in the memo.

22 BY MR. NEUFELD:

23 Q. I'm not asking you for the content of
24 the memo, but you say you received an internal

1 MR. KIVETZ: Join.

2 THE WITNESS: You would have to define
3 participated for me.

4 BY MR. NEUFELD:

5 Q. Well, you participated in discussions
6 reviewing the Englewood case at times between
7 January 1st of 2011 and January 1st of 2014,
8 correct?

9 MR. NOWINSKI: Objection: Form.

10 MR. KIVETZ: Join.

11 THE WITNESS: Yes.

12 BY MR. NEUFELD:

13 Q. I mean, on one -- at least one
14 occasion, didn't you have a telephone
15 conversation with me when I was representing
16 Mr. Saunders in his post-conviction capacity
17 about this case?

18 A. Yes.

19 Q. And on another occasion, didn't you
20 have meetings with my co-counsel, with Tara
21 Thompson and Josh Tepfer about this case?

22 A. Not about this case, no.

23 Q. Sir, are you aware of the fact that
24 Tara Thompson and Josh Tefler [sic] were

1 that was conducted in the post-conviction arena?

2 Q. Yes. Was it is closed?

3 MS. ROSEN: Object to form.

4 BY MR. NEUFELD:

5 Q. I'm trying to find out when it was --
6 when the reinvestigation of the murder of Nina
7 Glover was closed.

8 MR. NOWINSKI: Objection: Form.

9 MR. KIVETZ: Join.

10 THE WITNESS: The reinvestigation conducted
11 in the post-conviction arena?

12 BY MR. NEUFELD:

13 Q. Well, is there another -- First of all,
14 is there another reinvestigation?

15 A. None that I'm aware of.

16 Q. Okay. So the only reinvestigation
17 you're aware of is the one that was -- that
18 occurred in the post-conviction arena; is that
19 correct?

20 A. Yes.

21 Q. And that would be the reinvestigation
22 that occurred sometime after the Englewood
23 defendants in the criminal case filed a petition
24 for DNA testing and sometime prior to

1 January 1st of 2014, correct?

2 A. Yes.

3 Q. Okay. So I'm asking you when that --
4 when that post-conviction investigation --
5 reinvestigation closed.

6 A. I don't recall the date.

7 Q. Well, you said it definitely happened
8 before 2014, correct?

9 MS. ROSEN: Objection: Asked and answered.

10 MR. KIVETZ: Join.

11 MR. NOWINSKI: Form.

12 THE WITNESS: Yes.

13 BY MR. NEUFELD:

14 Q. But you don't know whether it was 2012
15 or 2013; is that what you're saying?

16 MR. NOWINSKI: Objection: Form.

17 THE WITNESS: I believe it was 2012, but I
18 don't recall exactly.

19 BY MR. NEUFELD:

20 Q. Do you know what was the triggering
21 event to close the reinvestigation?

22 MR. NOWINSKI: Objection: Form.

23 THE WITNESS: I don't know if there was one,
24 so no.

1 mischaracterizes his testimony.

2 THE WITNESS: I said I don't know.

3 MR. KIVETZ: Join.

4 THE WITNESS: I said I don't know.

5 BY MR. NEUFELD:

6 Q. You don't know whether there are other
7 documents pertaining to those communications?

8 A. I said I don't know if there were any
9 e-mails between me and any of those people.

10 Q. Right. And you don't know whether
11 there were any memos that any of those people
12 prepared, either, right?

13 MR. NOWINSKI: Objection: Form.

14 THE WITNESS: Correct.

15 BY MR. NEUFELD:

16 Q. Right. But at a minimum, you said
17 there was a typed document by Ertler and an
18 e-mail by Ertler, correct?

19 A. Yes.

20 Q. Okay. And, by the way, in Exhibit 61
21 and 62, those reports of investigations that
22 were done as part of the reinvestigation --

23 MR. NEUFELD: I'm sorry?

24 MS. ROSEN: 60 and 61.

1 BY MR. NEUFELD:

2 Q. 60 and 61, okay, would those be
3 documents that you would have access to as well
4 if you wanted to review them?

5 MR. NOWINSKI: Objection: Form.

6 MR. KIVETZ: Join.

7 THE WITNESS: Yes.

8 BY MR. NEUFELD:

9 Q. Okay. Now take a look, if you would,
10 at the response I received from your lawyer on,
11 I think, Friday. And this will be marked 63.

12 (Whereupon, Valentini Deposition
13 Exhibit No. 63 was marked for
14 identification.)

15 BY MR. NEUFELD:

16 Q. Okay. And I'm calling your attention
17 again to No. 1, which is your -- your lawyer's
18 response to our first request, which I called
19 your attention to a moment ago. Do you see
20 that?

21 A. Do I see the response to No. 1?

22 Q. Yes.

23 A. Yes.

24 Q. On 63, on the first page there?

1 A. Yes.

2 Q. Okay. The response is when I'm asking
3 for all documents concerning the
4 reinvestigation.

5 MS. ROSEN: Objection: Form.

6 MR. NOWINSKI: Join.

7 BY MR. NEUFELD:

8 Q. Well, do you -- Sir, do you agree that
9 in Request For Production No. 1, that among the
10 documents that we're seeking, okay, are
11 documents either in your possession, your
12 custody, or your control relating to any of the
13 plaintiffs, Mr. Richardson, Mr. Saunders,
14 Mr. Thames, Mr. Swift, okay, or Mr. Fincher,
15 with respect to the investigation and
16 prosecution of Nina Glover's murder, including
17 through and beyond the post-conviction
18 proceedings and exonerations? Do you see that?

19 A. Yes.

20 Q. Okay. And as you read that, sir, is it
21 clear to you that we're seeking documents that
22 deal with the post-conviction reinvestigation?

23 MR. NOWINSKI: Objection to form.

24 MR. KIVETZ: Join.

1 MS. ROSEN: Can you reask that or reread that
2 question.

3 (Whereupon, the record was read
4 as requested.)

5 MS. ROSEN: Objection: Vague.

6 THE WITNESS: I would say that it includes
7 that, yes.

8 BY MR. NEUFELD:

9 Q. Okay. So it would include documents
10 that deal with the reinvestigation of the
11 Englewood murder that's either in your
12 possession, custody, or control, correct?

13 A. You're asking me whether it says that
14 in there?

15 Q. Yes.

16 A. It does.

17 Q. Okay. And you said a moment ago that
18 if you wanted to get the typed document that
19 Mr. Ertler gave you involving the
20 post-conviction reinvestigation, that you could
21 have access to that, correct?

22 MR. NOWINSKI: Objection: Form; asked and
23 answered.

24 MR. KIVETZ: Join.

1 retrieve an e-mail that I received from Mark
2 Ertler several years ago. I just don't know.

3 BY MR. NEUFELD:

4 Q. Well, assuming for the moment that it's
5 technically retrievable, is it something that
6 you would be able to have access to in your
7 office?

8 MR. NOWINSKI: Objection: Form.

9 THE WITNESS: I don't know.

10 BY MR. NEUFELD:

11 Q. What do you mean you don't know? Why
12 do you not know if in fact the e-mail exists in
13 your office whether or not you could have
14 authorized access to it?

15 MS. ROSEN: Objection: Argumentative.

16 MR. NOWINSKI: Form.

17 MR. KIVETZ: Join.

18 THE WITNESS: I don't know how that -- that
19 would work. If there's an e-mail that was
20 written several years ago if I could access it
21 on my computer, I don't know.

22 BY MR. NEUFELD:

23 Q. I said if it could -- if it could
24 technologically be accessed, would there be any

1 legal or administrative impediment to you
2 actually reviewing it?

3 MS. ROSEN: Objection: Asked and answered.

4 MR. NOWINSKI: Objection: Form; foundation;
5 speculation.

6 MR. KIVETZ: Join.

7 THE WITNESS: None that I can think of, but I
8 don't know.

9 BY MR. NEUFELD:

10 Q. Okay. And now putting aside the
11 e-mail, if the typed document that Mr. Ertler
12 showed you, okay, could be found to still exist,
13 would there be any impediment to you having
14 access to it?

15 MS. ROSEN: Objection: Form; foundation;
16 calls for speculation.

17 MR. KIVETZ: Join.

18 MR. NOWINSKI: Join.

19 THE WITNESS: Depending on where it exists, I
20 don't know.

21 BY MR. NEUFELD:

22 Q. If it exists in the state's attorney's
23 office, would there be any administrative or
24 legal impediment to you having access to that

1 document?

2 MR. NOWINSKI: Objection: Form.

3 MS. ROSEN: Objection: Form; foundation.

4 MR. NOWINSKI: Speculation.

5 THE WITNESS: If I were able to locate it and
6 somebody had their hands on it, none that I can
7 think of.

8 BY MR. NEUFELD:

9 Q. Okay. So would you agree, sir, that at
10 least as to those two documents, if they exist,
11 that they would be documents that would be under
12 your possession, custody, or at least control?

13 MS. ROSEN: Objection: Form.

14 MR. NOWINSKI: Objection: Form; foundation;
15 speculation; and calls for a conclusion.

16 MR. KIVETZ: Join.

17 THE WITNESS: I don't know.

18 BY MR. NEUFELD:

19 Q. Well, why wouldn't they be under your
20 control?

21 MS. ROSEN: Objection: Form; foundation;
22 calls for speculation.

23 MR. KIVETZ: Join.

24 MR. NOWINSKI: Objection: Form. And

1 until Friday.

2 BY MR. NEUFELD:

3 Q. Now, in addition to having
4 communications between January 1st of 2011 and
5 January 1st of 2014 with these various people,
6 did you personally review any of the documents
7 concerning Johnny Douglas?

8 MR. NOWINSKI: Objection: Form; foundation.

9 MR. KIVETZ: Join.

10 THE WITNESS: Yes.

11 BY MR. NEUFELD:

12 Q. Okay. And who provided you with those
13 documents?

14 MR. NOWINSKI: Objection: Form; foundation.

15 THE WITNESS: I don't know.

16 BY MR. NEUFELD:

17 Q. And you were aware of the fact from
18 your review -- By the way, in addition to simply
19 reviewing documents, did you also have any
20 discussions about Johnny Douglas with other
21 people?

22 MR. NOWINSKI: Objection: Form. And to the
23 extent that it seeks discussions he had, topics
24 he had with individuals from the state's

1 attorney's office involving the reinvestigation
2 or post-conviction of this matter, I'm going to
3 instruct him not to answer as part of the
4 deliberative process.

5 MR. NEUFELD: So that's your defense is that
6 he doesn't have to answer because it's part of
7 the deliberative process?

8 MR. NOWINSKI: Yes.

9 MR. NEUFELD: And are you going to make that
10 same objection to any questions about the
11 content of communications he had about the
12 reinvestigation of the Englewood case?

13 MR. NOWINSKI: Yes.

14 MR. NEUFELD: And have you filed any specific
15 document in writing detailing what
16 communications in this case fall within the
17 deliberative process?

18 MR. NOWINSKI: As of this moment, no.

19 MR. NEUFELD: Okay.

20 BY MR. NEUFELD:

21 Q. So you became aware, did you not, that
22 Johnny Douglas was the sole source of the semen
23 recovered from Ms. Glover postmortem, correct?

24 MS. ROSEN: Objection: Form; foundation;

1 mischaracterizes the record.

2 MR. NOWINSKI: Objection: Form. And I'm
3 going to instruct him not answer as to what he
4 learned in any of the conversations he had in
5 the reinvestigation of this matter.

6 BY MR. NEUFELD:

7 Q. Did you become aware at some point that
8 Johnny Douglas was nicknamed The Maniac?

9 MR. NOWINSKI: Objection. Same objection.
10 I'm going to instruct him not to answer.

11 MR. BOWMAN: I guess I'm -- I'm a little
12 puzzled and troubled at this point because my
13 understanding -- perhaps I'm -- perhaps I'm
14 wrong -- my understanding is that the
15 deliberative process privilege, which I
16 understand is the protection -- the only
17 protection that's being relied upon here, is a
18 protection for the deliberative process. And I
19 don't understand how the question, which is --
20 the last two questions, which have been
21 propounded, which specifically request
22 information as to the factual knowledge of this
23 witness could possibly fall within a privilege
24 that protects a thought process. I mean, does

1 MR. NOWINSKI: Objection: Form;

2 mischaracterizes evidence.

3 BY MR. NEUFELD:

4 Q. So now I'm simply asking you as part of
5 that reinvestigation, did people come over and
6 present to you files on Johnny Douglas.

7 MR. NOWINSKI: Objection: Form; foundation.

8 MR. KIVETZ: Join.

9 MS. ROSEN: Object to form.

10 THE WITNESS: At some point, I saw
11 information about Johnny Douglas. I don't
12 recall who gave them to me or when it was.

13 BY MR. NEUFELD:

14 Q. Okay. Okay. But you saw information
15 on Johnny Douglas. Did the information that you
16 saw include the fact, okay, that Johnny Douglas'
17 DNA matched the sperm DNA recovered from the
18 deceased Ms. Glover in the postmortem autopsy?

19 MR. NOWINSKI: Objection: Form and
20 foundation.

21 And to the extent that you learned that
22 information solely as part of the deliberative
23 process in reinvestigating this claim, I'm going
24 to instruct you not to answer. Should you have

1 investigation into Mr. Douglas -- I'm sorry,
2 into Mr. Randolph in the Dixmoor case, there was
3 an investigation into Mr. Douglas in this case;
4 is that correct?

5 MR. NOWINSKI: Objection: Form; foundation.

6 THE WITNESS: The reinvestigation did involve
7 Johnny Douglas and -- Yes.

8 BY MR. NEUFELD:

9 Q. Okay. And during that reinvestigation
10 which involved Johnny Douglas, did you learn,
11 okay, that the only sperm DNA recovered from
12 Nina Glover postmortem came from Johnny Douglas?

13 MR. NOWINSKI: Objection: Form; foundation.
14 To the extent that it seeks information obtained
15 solely during the deliberative process on
16 whether or not to vacate the charge in this
17 matter, I'm instructing the witness not to
18 answer.

19 BY MR. NEUFELD:

20 Q. Isn't it a fact, sir, that you got the
21 DNA information identifying Johnny Douglas --

22 MS. ROSEN: Can you not raise your voice?

23 MR. NEUFELD: I'm just getting a little
24 annoyed at these ridiculous objections.

1 THE WITNESS: I don't know that information
2 was relayed directly to her.

3 BY MR. NEUFELD:

4 Q. Okay. Now, you're saying that she was
5 not part of the deliberations, correct?

6 MR. NOWINSKI: Objection: Form.

7 THE WITNESS: I said I don't believe so.

8 BY MR. NEUFELD:

9 Q. Right. Who else was at that meeting
10 that she was present at?

11 A. Myself --

12 Q. I'm sorry. Who?

13 A. Myself.

14 Q. Mm-hmm.

15 A. State's Attorney Alvarez, Walt Hehner,
16 Mark Ertler. Those are the ones I remember for
17 sure.

18 Q. Okay. And did that motion occur before
19 or after Judge Biebel ordered that the
20 conviction be vacated [sic]?

21 MR. NOWINSKI: Objection to form.

22 MS. ROSEN: You said motion, did that motion
23 occur.

24 MR. NEUFELD: I'm sorry. Withdrawing. Thank

1 you.

2 BY MR. NEUFELD:

3 Q. Did that meeting occur before or after
4 Judge Bieber [sic] granted the motion to vacate
5 the conviction in the Englewood case?

6 MR. NOWINSKI: Object to form; speculation.

7 THE WITNESS: Judge Biebel?

8 BY MR. NEUFELD:

9 Q. Yes.

10 A. After.

11 Q. Okay. And did that meeting happen
12 before or after your office decided to dismiss
13 the indictments against the Englewood
14 defendants, before or after?

15 MR. NOWINSKI: Objection: Form.

16 THE WITNESS: Before.

17 BY MR. NEUFELD:

18 Q. Okay. And would you please tell me all
19 of the different things that were discussed at
20 that meeting.

21 MR. NOWINSKI: Objection: Form; foundation.
22 And I'm going to instruct him not to answer as
23 it's covered by the deliberative process.

24 MR. NEUFELD: Is it your position, Counselor,

1 THE WITNESS: Yes.

2 BY MR. NEUFELD:

3 Q. So let me ask you this: If you
4 yourself were uncertain, why is it that you
5 opposed Mr. Saunders' motion to vacate the
6 conviction?

7 MR. NOWINSKI: Objection: Form; foundation.
8 And to the extent that it seeks information
9 based on the deliberative process, I'm going to
10 instruct him not to answer.

11 MR. KIVETZ: Join.

12 MS. ROSEN: Do you think you could read back
13 the question.

14 (Whereupon, the record was read
15 as requested.)

16 THE WITNESS: Based on what the lawyer is
17 saying, anything that was involved in the
18 decision regarding the motion to vacate would be
19 in the deliberative process.

20 BY MR. NEUFELD:

21 Q. Okay. Well, let me go back a step,
22 then. You said that as of now, you're
23 uncertain. Okay. You don't have a position one
24 way or another as to whether Mr. Saunders was

1 MS. ROSEN: Objection: Form.

2 MR. NOWINSKI: Join.

3 THE WITNESS: I guess it's pretty much the
4 same thing, yeah.

5 BY MR. NEUFELD:

6 Q. Okay. So even though you haven't
7 reached a conclusion yet in your own mind, there
8 are some factors which militate in one
9 direction, and then there are other factors that
10 militate in another direction, which is why you
11 haven't made up your own mind yet; is that a
12 fair statement?

13 MR. NOWINSKI: Objection: Form.

14 MS. ROSEN: Object to form.

15 MR. KIVETZ: Join.

16 THE WITNESS: Yes.

17 BY MR. NEUFELD:

18 Q. So now I'm asking you, what are the
19 factors in your own mind, okay, that -- that
20 move in the direction that if a new jury heard
21 the evidence about Johnny Douglas and heard the
22 evidence about the DNA that it would probably
23 change the result? And then I will ask you the
24 second question, which is what are the factors

1 in the other direction?

2 MR. NOWINSKI: Objection to form; foundation.

3 MS. ROSEN: Object to form.

4 MR. NOWINSKI: To the extent that these were
5 factors that were only learned in the
6 deliberative process, I'm going to instruct him
7 not to answer.

8 MR. NEUFELD: I'm not asking about the
9 deliberative process; I'm asking about his own
10 mind if he applies this test.

11 MR. NOWINSKI: You asked him -- You asked him
12 factors. And I'm instructing him if he learned
13 of those factors during the deliberative
14 process, then he's not going to answer.

15 BY MR. NEUFELD:

16 Q. Okay. What are the -- Okay. What are
17 the factors that militate in the direction that
18 a new jury would probably reach a different
19 result?

20 MR. NOWINSKI: Same objection; same
21 instruction.

22 THE WITNESS: Based on the objection, I can't
23 answer the question.

24

1 term, did you?

2 MR. NOWINSKI: Objection: Form.

3 THE WITNESS: I can't recall.

4 BY MR. NEUFELD:

5 Q. Have -- Have you ever received any
6 lectures on conflict of interest as a
7 prosecutor?

8 MR. NOWINSKI: Objection: Form.

9 THE WITNESS: Any letters?

10 BY MR. NEUFELD:

11 Q. Lectures in training or --

12 A. Lectures?

13 Q. Yeah.

14 MS. ROSEN: Objection: Form.

15 THE WITNESS: Not that I can remember.

16 BY MR. NEUFELD:

17 Q. Well, are you familiar with the ABA --
18 the American Bar Association Standards For
19 Prosecutors?

20 MR. NOWINSKI: Objection: Form.

21 THE WITNESS: I believe so, yes.

22 BY MR. NEUFELD:

23 Q. Okay. Are you familiar with the
24 statement in the ABA Standards regarding

1 conflict of interest? Have you read it?

2 A. I'm sure I've read it. I couldn't
3 recite it to you right now.

4 Q. No. Are you aware of the prohibition
5 that states in sum and substance that a
6 prosecutor should not permit his or her
7 professional judgment or obligations to be
8 affected by his or her own political, financial,
9 business, property, or personal interests?

10 MR. NOWINSKI: Objection: Form; foundation.

11 MS. ROSEN: Object to form.

12 MR. KIVETZ: Join.

13 BY MR. NEUFELD:

14 Q. Were you aware of that principle before
15 today?

16 MR. NOWINSKI: Objection: Form.

17 MS. ROSEN: Object to form.

18 MR. KIVETZ: Join.

19 THE WITNESS: Yes.

20 BY MR. NEUFELD:

21 Q. And were you aware of that principle
22 back on -- by January of 19- -- I'm sorry, by
23 January 1st of 2011 when you were in the office?

24 MR. NOWINSKI: Objection: Form.

1 Okay. So the question is, you said you
2 agree that you have a personal interest that a
3 Court not find that you fabricated the
4 confession, correct?

5 MR. NOWINSKI: Objection: Form.

6 MS. ROSEN: In this civil case.

7 MR. KIVETZ: Join.

8 THE WITNESS: You're asking me whether I have
9 a personal interest in a civil case where you're
10 suing me personally? The answer is yes.

11 BY MR. NEUFELD:

12 Q. Even if you weren't being sued
13 personally, sir, would you have a personal
14 interest in any adjudicative body finding that
15 you fabricated a confession?

16 MR. NOWINSKI: Objection: Form; foundation;
17 speculation.

18 THE WITNESS: Yes.

19 BY MR. NEUFELD:

20 Q. Okay. And so if you have that personal
21 interest on the one hand, don't you believe
22 therefore that according to the prosecutors'
23 function standards listed in the ABA that you
24 should not permit yourself to be involved in a

1 professional judgment situation where you do
2 have a personal interest in the outcome?

3 MR. NOWINSKI: Objection: Form; foundation.

4 THE WITNESS: You're asking me about this
5 case?

6 BY MR. NEUFELD:

7 Q. Yeah.

8 A. No.

9 Q. You don't see it as a conflict?

10 MS. ROSEN: Objection: Asked and answered.

11 MR. NOWINSKI: Form.

12 BY MR. NEUFELD:

13 Q. When I say see it as a conflict, I'm
14 talking about where you were involved in
15 deciding whether or not to oppose the motion to
16 vacate the conviction or oppose the motion for
17 certificate of innocence.

18 MR. NOWINSKI: Objection: Form.

19 MS. ROSEN: Object to form; mischaracterizes
20 his testimony.

21 THE WITNESS: I don't see anything I did as
22 being a conflict.

23 BY MR. NEUFELD:

24 Q. Well, did you participate in the

1 decision to oppose the motion to vacate?

2 MR. NOWINSKI: Objection: Form; foundation.

3 THE WITNESS: No.

4 BY MR. NEUFELD:

5 Q. Okay. Did you participate in the
6 decision to dismiss the indictment?

7 MR. NOWINSKI: Objection: Form; foundation.

8 THE WITNESS: Not really.

9 BY MR. NEUFELD:

10 Q. Did you participate in the process that
11 led to the decision to oppose the certificate of
12 innocence?

13 MR. NOWINSKI: Objection: Form.

14 THE WITNESS: No.

15 BY MR. NEUFELD:

16 Q. Did you participate in the process that
17 led to a decision to oppose the motion to
18 vacate?

19 MR. NOWINSKI: Objection: Form.

20 A. I'm sorry. Rephrase that question
21 please, or ask it again.

22 MR. NEUFELD: Sure. Could you read it back,
23 please.

24

1 quicker if you didn't feel the need to then add
2 all those ad hominem into the record.

3 MS. MEADOR: Well, I'm just suggesting that
4 instead of just saying -- after we object, you
5 going, Isn't that true, or, Right, or something
6 that forces us then to object again, that you
7 would speed up the process. Just a suggestion.
8 It's your deposition.

9 BY MR. NEUFELD:

10 Q. Can you answer the question?

11 A. I don't remember whether that ever
12 crossed my mind or not.

13 Q. I'm sorry. What?

14 A. I don't recall whether it ever crossed
15 my mind or not.

16 Q. Okay. At what point in your own mind
17 did your thinking change from believing that
18 Michael Saunders was guilty to no longer being
19 sure one way or the other?

20 MR. NOWINSKI: Objection: Form.

21 THE WITNESS: I don't know exactly.

22 BY MR. NEUFELD:

23 Q. Well, what fact or factors changed your
24 mind from him being -- believing he was guilty

1 to no longer being sure of it?

2 MR. NOWINSKI: Objection: Form.

3 MS. ROSEN: Objection: Relevance.

4 MR. NOWINSKI: Form; foundation. To the
5 extent you learned of factors during the process
6 of the reinvestigation, the determination of
7 whether or not to vacate or to dismiss the
8 charges, I'm going to instruct him not to
9 answer.

10 MR. KIVETZ: Join.

11 BY MR. NEUFELD:

12 Q. Answer the question.

13 A. Can't answer.

14 Q. In your own mind, you believe that
15 Johnny Douglas was involved in the attack and
16 murder of Ms. Glover?

17 MR. NOWINSKI: Objection: Form.

18 MS. ROSEN: Relevance.

19 THE WITNESS: I don't know.

20 BY MR. NEUFELD:

21 Q. Well, you've heard evidence suggesting
22 that he was, correct?

23 MR. NOWINSKI: Objection: Form.

24 MS. ROSEN: Object to form.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

TERRILL SWIFT,)
Plaintiff,)
v.) No. 12 L 012995
CITY OF CHICAGO, et al.,)
Defendants.)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL SAUNDERS,)No. 12 C 9158
Plaintiff,)
v.)
CITY OF CHICAGO, et al.,)
Defendants.)

-----)-----

VINCENT THAMES,)No. 12 C 9170
Plaintiff,)
v.)
CITY OF CHICAGO, et al.,)
-----)-----

HAROLD RICHARDSON,)No. 12 C 9184
Plaintiff,)
v.)
CITY OF CHICAGO, et al.,)
Defendants.)

PART II of the video discovery
deposition of FABIO VALENTINI, taken in the
above-entitled cause, before TRACY JONES, a
notary public of Cook County, Illinois, at
9:15 o'clock a.m. on December 9, 2014, at
375 East Chicago Avenue, 8th Floor, Chicago,
Illinois, pursuant to notice.

Reported by: Tracy Jones, CSR, RPR, CLR
License No.: 084-004553

1 MS. ROSEN: Objection: Form.

2 MR. KIVETZ: Join.

3 MR. NOWINSKI: Join.

4 THE WITNESS: No. In other words, I can't
5 speculate on possibilities that have no support
6 in any facts that I'm aware of.

7 BY MR. NEUFELD:

8 Q. Well, I'm not suggesting that you can
9 speculate professionally in a court of law. I'm
10 asking you, in your own mind as you went over
11 this case, okay, what, if any, possible theories
12 did you come up with that would explain on the
13 one hand Mr. Saunders giving you the statement
14 that you attribute to him yet him being
15 completely innocent?

16 MS. ROSEN: Can you read back the question.
17 (Whereupon, the record was read
18 as requested.)

19 MR. NOWINSKI: I'm going to object to the
20 form of the question. To the extent that these
21 were theories that were arrived to -- arrived at
22 during the process of deliberating whether or
23 not to vacate the convictions of these
24 individuals, I'm going to instruct the witness

1 now. Okay? And I'm going to reserve whatever
2 time is left for me to bring back this witness
3 should the Court allow it for two purposes.
4 One, if the Court orders you to produce the
5 reinvestigation file beyond the few pages you've
6 already produced and to question him about that,
7 and also to question him about all the areas
8 that you instructed him not to answer my
9 questions concerning his meetings from
10 January 1st, 2011, through 2014 with other
11 people in his office concerning the
12 reinvestigation of the Glover murder and the
13 motions that were filed to vacate the conviction
14 and secure a certificate of innocence.

15 MS. ROSEN: On behalf of all plaintiffs?

16 MR. NEUFELD: Yeah. I'm making that
17 reservation. The time is over. Okay? Ended.

18 MS. MEADOR: We're not agreeing to go off the
19 record.

20 MR. NEUFELD: I'm saying there's no more
21 questions.

22 MS. ROSEN: So, like, first of all, we would
23 have questions, potentially.

24 MR. NEUFELD: Fine. So you go ahead and do